



Telecommunications (Interception) Regulations 1987

Statutory Rules 1987 No. 329 as amended

made under the

Telecommunications (Interception) Act 1979

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taking into account amendments up to SR 2002 No. 184

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1 Name of Regulations [see Note 1]

These Regulations are the *Telecommunications (Interception) Regulations 1987*.

2 Interpretation

In these Regulations:

the Act means the *Telecommunications (Interception) Act 1979*.

2A Emergency services numbers

For paragraph 6 (2A) (b) of the Act, each of the following telephone numbers is specified:

- 000
- 106
- 112.

3 Warrants

The following forms are prescribed:

- (a) for section 45 of the Act — form 1 in Schedule 3;
- (b) for section 45A of the Act — form 2 in Schedule 3;
- (c) for section 46 of the Act — form 3 in Schedule 3;
- (d) for section 46A of the Act — form 4 in Schedule 3;
- (e) for section 48 of the Act — form 5 in Schedule 3.

Schedule 3 Forms

(regulation 3)

Form 1 Interception warrant — class 1 offences

Commonwealth of Australia

Telecommunications (Interception) Act 1979

Warrant for interception of telecommunications service in relation to class 1 offence

Telecommunications [number assigned to the service; any other service known unique identifying factors]

Particular person of interest [full known name, other known names, other known identifying information (eg date of birth)]

Applicant agency [name]

1 Authorisation

(1) I, _____, *an eligible Judge,/*a nominated AAT member, within the meaning of the *Telecommunications (Interception) Act 1979*, acting under section 45 of that Act, authorise interceptions of communications made to or from the telecommunications service mentioned above.

(2) I am satisfied, on the basis of the information given to me by the applicant agency, that:

(a) Division 3 of Part VI of the Act has been complied with in relation to the application; and

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- *(b) because of urgent circumstances, it was necessary to make the application by telephone; and
- (c) there are reasonable grounds for suspecting that a particular person (namely, the person identified above) is using, or is likely to use, the service; and
- (d) information that would be likely to be obtained by intercepting, under a warrant, communications made to or from the service, would be likely to assist in connection with the investigation by the agency of the following *class 1 offence/*class 1 offences, in which the person is involved:
[short particulars of the class 1 *offence/*offences];
and
- (e) having regard to:
- (i) the extent to which methods of investigating the *offence/*offences that do not involve intercepting communications have been used by, or are available to, the agency;
 - (ii) how much of the information referred to in paragraph (d) would be likely to be obtained by such methods; and
 - (iii) how much the use of such methods would be likely to prejudice the investigation by the agency of the *offence/*offences, whether because of a delay in obtaining some or all of that information or for any other reason;
- some or all of that information cannot appropriately be obtained by such methods.

2 Persons who may exercise this authority

This warrant may be exercised by any officer or staff member of the applicant agency, or another agency, to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* applies in relation to the warrant, or the class of warrants to which it belongs.

3 Period of validity

This warrant is in force until [*specify a date not more than 90 days away*].

#4 Conditions or restrictions

Interceptions under this warrant are subject to the following *conditions/*restrictions:

[*details of conditions or restrictions*].

Dated

*Judge/*nominated AAT member

* Omit word or words if inapplicable

Omit provision if inapplicable

Form 2 Named person warrant — class 1 offences

Commonwealth of Australia

Telecommunications (Interception) Act 1979

Warrant for interception of communications of named person in relation to class 1 offence

Particular person of interest [*full known name, other known names, other known identifying information (eg date of birth)*]

Applicant agency [*name*]

1 Authorisation

- (1) I, _____, *an eligible Judge,/*a nominated AAT member, within the meaning of the *Telecommunications (Interception) Act 1979*, acting under section 45A of that Act, authorise interceptions of communications made to or from any telecommunications service that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
- (a) Division 3 of Part VI of the Act has been complied with in relation to the application; and
 - #(b) because of urgent circumstances, it was necessary to make the application by telephone; and
 - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than 1 telecommunications service; and
 - (d) information that would be likely to be obtained by intercepting, under a warrant, communications made to or from any telecommunications service that the named person is using, or is likely to use, would be likely to assist in connection with the investigation by the agency of the following *class 1 offence/*class 1 offences, in which that person is involved:
[short particulars of the class 1 *offence/*offences];
and
 - (e) having regard to:
 - (i) the extent to which methods (including the use of a warrant issued under section 45 of the Act) of investigating the *offence/*offences that do not involve the use of a warrant issued under section 45A of the Act in relation to the named person have been used by, or are available to, the agency; and
 - (ii) how much of the information referred to in paragraph (d) would be likely to be obtained by such methods; and

- (iii) how much the use of such methods would be likely to prejudice the investigation by the agency of the *offence/*offences, whether because of a delay in obtaining some or all of that information or for any other reason;
some or all of that information cannot appropriately be obtained by such methods.

2 Persons who may exercise this authority

This warrant may be exercised by any officer or staff member of the applicant agency, or another agency, to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* applies in relation to the warrant, or the class of warrants to which it belongs.

3 Period of validity

This warrant is in force until [*specify a date not more than 90 days away*].

#4 Conditions or restrictions

Interceptions under this warrant are subject to the following *conditions/*restrictions:

[*details of conditions or restrictions*].

#5 Excluded services

This warrant does not authorise the interception of communications made to or from the following telecommunications *service/*services:

[*details and location of service(s)*].

Dated

*Judge/*nominated AAT member

* Omit word or words if inapplicable

Omit provision if inapplicable

Form 3 Interception warrant — class 2 offences

Commonwealth of Australia

Telecommunications (Interception) Act 1979

Warrant for interception of telecommunications service in relation to class 2 offence

Telecommunications service [number assigned to the service; any other known unique identifying factors]

Particular person of interest [full known name, other known names, other known identifying information (eg date of birth)]

Applicant agency [name]

1 Authorisation

(1) I, _____, *an eligible Judge,/*a nominated AAT member, within the meaning of the *Telecommunications (Interception) Act 1979*, acting under section 46 of that Act, authorise interceptions of communications made to or from the telecommunications service mentioned above.

(2) I am satisfied, on the basis of the information given to me by the applicant agency, that:

(a) Division 3 of Part VI of the Act has been complied with in relation to the application; and

- #(b) because of urgent circumstances, it was necessary to make the application by telephone; and
- (c) there are reasonable grounds for suspecting that a particular person (namely, the person identified above) is using or is likely to use, the service; and
- (d) information that would be likely to be obtained by intercepting, under a warrant, communications made to or from the service, would be likely to assist in connection with the investigation by the agency of the following **class 2 offence/*class 2 offences*, in which the person is involved:
*[short particulars of the class 2 *offence/*offences]*;
and
- (e) the warrant should be issued having regard to the following matters only:
- (i) how much the privacy of any person or persons would be likely to be interfered with by intercepting communications made to or from the service; and
 - (ii) the gravity of the conduct constituting the **offence/*offences* being investigated; and
 - (iii) how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation by the agency of the **offence/*offences*; and
 - (iv) to what extent methods of investigating the **offence/*offences* that do not involve intercepting communications have been used by, or are available to, the agency; and
 - (v) how much the use of such methods would be likely to assist the agency in connection with the investigation of the **offence/*offences*; and
 - (vi) how much the use of such methods would be likely to prejudice the investigation by the agency of the **offence/*offences*, whether because of delay or for any other reason.

2 Persons who may exercise this authority

This warrant may be exercised by any officer or staff member of the applicant agency, or another agency, to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* applies in relation to the warrant, or the class of warrants to which it belongs.

3 Period of validity

This warrant is in force until [*specify a date not more than 90 days away*].

#4 Conditions or restrictions

Interceptions under this warrant are subject to the following *conditions/
*restrictions:

[*details of conditions or restrictions*].

Dated

*Judge/*nominated AAT member

* Omit word or words if inapplicable

Omit provision if inapplicable

Form 4 Named person warrant — class 2 offences

Commonwealth of Australia

Telecommunications (Interception) Act 1979

Warrant for interception of communications of named person in relation to class 2 offence

Particular person of interest *[full known name, other known names, other known identifying information (eg date of birth)]*

Applicant agency *[name]*

1 Authorisation

- (1) I, _____, *an eligible Judge,/*a nominated AAT member, within the meaning of the *Telecommunications (Interception) Act 1979*, acting under section 46A of that Act, authorise interceptions of communications made to or from any telecommunications service that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
- (a) Division 3 of Part VI of the Act has been complied with in relation to the application; and
 - #(b) because of urgent circumstances, it was necessary to make the application by telephone; and
 - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than 1 telecommunications service; and
 - (d) information that would be likely to be obtained by intercepting, under a warrant, communications made to or from any telecommunications service that the named person is using, or is likely to use, would be likely to assist in connection with the investigation by the agency of the following *class 2 offence/*class 2 offences, in which that person is involved:
*[short particulars of the class 2 *offence/*offences];*
and

-
- (e) the warrant should be issued having regard to the following matters only:
- (i) how much the privacy of any person or persons would be likely to be interfered with by intercepting communications made to or from the service; and
 - (ii) the gravity of the conduct constituting the *offence/*offences being investigated; and
 - (iii) how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation by the agency of the *offence/*offences; and
 - (iv) the extent to which methods (including the use of a warrant issued under section 46 of the Act) of investigating the *offence/*offences that do not involve the use of a warrant issued under section 46A of the Act in relation to the named person have been used by, or are available to, the agency; and
 - (v) how much the use of such methods would be likely to assist the agency in connection with the investigation of the *offence/*offences; and
 - (vi) how much the use of such methods would be likely to prejudice the investigation by the agency of the *offence/*offences, whether because of delay or for any other reason.

2 Persons who may exercise this authority

This warrant may be exercised by any officer or staff member of the applicant agency, or another agency, to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* applies in relation to the warrant, or the class of warrants to which it belongs.

3 Period of validity

This warrant is in force until [*specify a date not more than 90 days away*].

#4 Conditions or restrictions

Interceptions under this warrant are subject to the following
*conditions/*restrictions:

[details of conditions or restrictions].

#5 Excluded services

This warrant does not authorise the interception of communications made
to or from the following telecommunications *service/*services:

[details and location of service(s)].

Dated

*Judge/*nominated AAT member

* Omit word or words if inapplicable

Omit provision if inapplicable

Form 5 Entry on premises and interception warrant

Commonwealth of Australia

Telecommunications (Interception) Act 1979

Warrant for entry on premises and interception of communications

Premises *[description and location of premises
including business name, operating name,
other known names, other known identifying
information]*

Telecommunications *[number assigned to the service; any other*

- (c) on the basis of the information given to me by the agency — that it would be impracticable or inappropriate to intercept communications under a warrant in respect of the service otherwise than by the use of equipment or a line installed on those premises:
 - (i) for technical reasons connected with the operation of the service or of a telecommunications system of which the service forms a part; or
 - (ii) because execution of the warrant as a result of action taken by, or on behalf of, a carrier might jeopardise the security of the investigation, by the agency, of a serious offence in which a person to whom the application relates is involved.
- (3) This warrant authorises:
 - (a) entry on the premises:
 - (i) *during the hours of/*at any time of the day or night, for the purposes of installing, maintaining, using or recovering any equipment used to intercept communications made to or from the premises; and
 - #(ii) without permission first being sought or demand first being made; and
 - #(b) the following measures, that I am satisfied are necessary and reasonable for those purposes:
[specify measures authorised to be taken].

2 Persons who may exercise this authority

This warrant applies to any officer or staff member of the applicant agency, or another agency, to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* applies in relation to the warrant, or the class of warrants to which it belongs.

3 Period of validity

This warrant is in force until *[specify a date not more than 90 days away]*.

#4 Conditions or restrictions

Interceptions under this warrant are subject to the following
*conditions/*restrictions:

[details of conditions or restrictions].

Dated

*Judge/*nominated AAT member

* Omit word or words if inapplicable

Omit provision if inapplicable

Table of Statutory Rules

Notes to the *Telecommunications (Interception) Regulations 1987***Note 1**

The *Telecommunications (Interception) Regulations 1987* (in force under the *Telecommunications (Interception) Act 1979*) as shown in this compilation comprise Statutory Rules 1987 No. 329 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1987 No. 329	11 Jan 1988	1 Sept 1988 (see <i>Gazette</i> 1988, No. S256)	
1994 No. 5	1 Feb 1994	1 Feb 1994 (see r. 1 and <i>Gazette</i> 1994, No. S27)	—
1997 No. 421	24 Dec 1997	1 Feb 1998	—
2000 No. 180	12 July 2000	12 July 2000	—
2000 No. 325	8 Dec 2000	8 Dec 2000	—
2001 No. 85	10 May 2001	10 May 2001	—
2002 No. 184	15 Aug 2002	15 Aug 2002	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2000 No. 180
R. 2A	ad. 2002 No. 184
R. 3	am. 1994 No. 5 rs. 2000 Nos. 180 and 325
Schedules 1, 2	rep. 1994 No. 5
Heading to Schedule 3.....	rs. 2000 Nos. 180 and 325
Schedule 3	am. 1994 No. 5; 1997 No. 421 rs. 2000 No. 325 am. 2001 No. 85
Schedule 3A.....	ad. 2000 No. 180 rep. 2000 No. 325
Heading to Schedule 4.....	rs. 2000 No. 180 rep. 2000 No. 325
Schedule 4	am. 1994 No. 5; 1997 No. 421 rep. 2000 No. 325
Schedule 4A.....	ad. 2000 No. 180 rep. 2000 No. 325
Schedule 5	am. 1994 No. 5; 1997 No. 421; 2000 No. 180 rep. 2000 No. 325